

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 73

Citations Affected: IC 9-30-5-5; IC 9-30-10-16.

Synopsis: OWI and driving while suspended. Provides that a person who causes the death of another person while operating a motor vehicle with a certain controlled substance or its metabolite in the person's body commits a Class C felony. Provides that a person who operates a motor vehicle: (1) while the person's driving privileges are validly suspended under certain circumstances and the person knows that the person's driving privileges are suspended; or (2) in violation of restrictions imposed by habitual offender laws and the person knows of the restrictions; commits a Class D felony. Specifies that service by the bureau of motor vehicles of the suspension or restriction of the person's driving privileges in compliance with certain requirements establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted. (This conference committee report does the following: (1) Removes Section 1 of the bill that would have allowed a probationary driver to operate a motor vehicle if each passenger in the motor vehicle is a sibling of the probationary driver, regardless of whether the siblings are at least 21 years of age or hold a valid operator's license. (2) Removes Sections 4 through 15 of the bill that would have made the criminal penalties for offenses relating to cocaine equivalent to the penalties for offenses relating to methamphetamine. (3) Makes certain changes to Section 3 of the bill by: (A) requiring the person to know that the person's license is suspended or restricted before the person may be found guilty of the Class D felony; and (B) providing that service of notice by the bureau of motor vehicles of the suspension or restriction of the person's driving privileges in compliance with certain requirements establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.)

Effective: July 1, 2000.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 73 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 17.
 - 2 Page 2, delete lines 1 through 14
 - 3 Page 2, line 40, before ";" insert "**and the person knows that the**
 - 4 **person's driving privileges are suspended**".
 - 5 Page 2, line 42, before ";" insert "**and who knows of the existence**
 - 6 **of the restrictions**".
 - 7 Page 3, delete line 1.
 - 8 Page 3, line 2, delete "in compliance with IC 9-30-10-5,".
 - 9 Page 3, line 3, after "(b)" insert "**Service by the bureau of notice**
 - 10 **of the suspension or restriction of a person's driving privileges**
 - 11 **under subsection (a)(1) or (a)(2):**
 - 12 **(1) in compliance with IC 9-30-10-5; and**
 - 13 **(2) by first class mail to the person at the last address shown**
 - 14 **for the person in the bureau's records;**
 - 15 **establishes a rebuttable presumption that the person knows that**
 - 16 **the person's driving privileges are suspended or restricted.**
 - 17 **(c)".**
 - 18 Page 3, delete lines 10 through 42.
 - 19 Delete pages 4 through 20.
 - 20 Renumber all SECTIONS consecutively.
- (Reference is to ESB 73 as printed February 17, 2000.)

Conference Committee Report
on
Engrossed Senate Bill 73

Signed by:

Senator Long
Chairperson

Representative Alderman

Senator Alexa

Representative GiaQuinta

Senate Conferees

House Conferees